

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ERNESTINE BLAKE,

Plaintiff,

- against -

LTD FINANCIAL SERVICES, LP
MIKE WILLIAMS,

Defendants.

Case No. 07 Civ. 7502 (SAS)

Conference Date:
Nov. 14, 2007

Scheduling Order

WHEREAS, the Court issued an Order for a Conference in accordance with Fed. R. Civ. P. 16(b) on September 17, 2007 (the "Order"); and

WHEREAS, the Order requires that the parties jointly prepare and sign a proposed scheduling order containing certain information;

NOW, THEREFORE, the parties hereby submit the following information as required by the Order:

1. the date of the conference and the appearances for the parties;

For Plaintiff:

Shmuel Klein, Esq.
Law Office of Shmuel Klein, P.C.
268 Route 59 West
Spring Valley, New York 10977
(845) 425-2510

For Defendant LTD Financial Services, LP ("LTD"):

Concepcion A. Montoya, Esq.
Hinshaw & Culbertson LLP
780 Third Avenue, 4th Floor
New York, New York 10017
(212) 471-6200 Telephone
(212) 935-1166 Facsimile

2. a concise statement of the issues as they then appear;

Plaintiff's Statement

This action is filed for numerous violations of the Fair Debt Collection Practices Act by the defendant attempting to collect debt(s) time barred and for using abusive debt collection practices including but not limited to failing to validate the debt, failing to provide any basis for the debt whatsoever, failing to use reasonable collection practices, failing to cease collection efforts when the Plaintiff made it clear that the debt was disputed, causing Plaintiff severe emotional distress.

Defendant LTD's Statement of the Issues:

- Defendant LTD was assigned to collect plaintiff's credit card debt since 1999. Defendant LTD's attempts to collect plaintiff's debt were proper and in compliance with the Fair Debt Collection Practices Act ("FDCPA") and any other applicable law. Upon information and belief, beginning June, 2007, plaintiff attempted to negotiate a settlement payment of her outstanding debt through her former attorney, Larry Schwartz. Upon information and belief, sometime in July, 2007, Mr. Schwartz advised defendant LTD that he was no longer representing plaintiff. Shortly thereafter, plaintiff filed the instant litigation.
 - Defendant LTD denies any allegations of wrongdoing, including misrepresentation of the status of the debt and harassment.
 - As to plaintiff's allegation that her debt is time-barred, defendant LTD contends that the statute of limitations does not eliminate a debt.
 - Plaintiff is not entitled to the relief sought as declaratory and injunctive relief are not available to private litigants under the FDCPA.
 - Any alleged violation of the FDCPA by defendant LTD was unintentional, not willful and constitutes a *bona fide* error.
3. a schedule including:
- (a) the names of persons to be deposed and a schedule of planned depositions;

Plaintiff

Names, address and telephone number of all individuals and Defendant employess with knowledge of the allegations contained in the complaint;

Defendant Mike Wilson.

Plaintiff reserves its right to depose additional individuals whose identities may be disclosed during the course of discovery

Defendant:

Plaintiff Ernestina Blake

Defendant LTD reserves its right to depose additional individuals whose identities may be disclosed during the course of discovery.

- (b) a schedule for the production of documents;

The parties will exchange their discovery demands, including interrogatories and requests for production of documents, by December 17, 2007.

- (c) dates by which (i) each expert's reports will be supplied to the adverse side and (ii) each expert's deposition will be completed;

Unknown at this time. The parties reserve their right to conduct expert discovery if necessary.

- (d) time when discovery is to be completed;

The parties propose discovery, excluding expert discovery, to conclude by March 31, 2008.

- (e) the date by which plaintiff will supply its pre-trial order matters to defendant;

May 31, 2008.

the date by which the parties will submit a pre-trial order in a form conforming with the Court's instructions together with trial briefs and either (1) proposed findings of fact and conclusions of law for a non-jury trial, or (2) proposed voir dire questions and proposed jury instructions, for a jury trial;

June 30, 2008.

- (f) a space for the date for a final pre-trial conference pursuant to Fed. R. Civ., P. 16(d), to be filled in by the Court at the conference.

April 9 at 4³⁰ (leave blank)

4. a statement of any limitations to be placed on discovery, including any protective or confidentiality orders;

Unknown at this time.

5. a statement of those discovery issues, if any, on which counsel, after a good faith effort, were unable to reach an agreement;

Purchase agreement of the Debt by Defendants;

anticipated fields of expert testimony, if any;

Plaintiff: Expert on debt collection practices and procedures.

Defendant: Expert on debt collection practices and procedures.

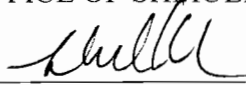
6. anticipated length of trial and whether to court or jury;

1-2 days

This Scheduling Order may be altered or amended only on a showing of good cause not foreseeable at the time of the conference or when justice so requires;

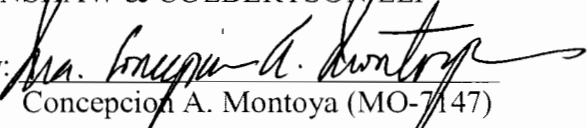
Dated: New York, New York
November 14, 2007

LAW OFFICE OF SHMUEL KLEIN, P.C.

By: 
Shmuel Klein (SK-7212)

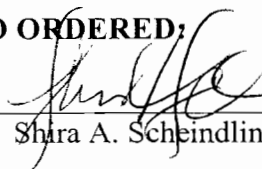
Attorney for Plaintiff
268 Route 59 West
Spring Valley, New York 10977
(845) 425-2510

HINSHAW & CULBERTSON LLP

By: 
Concepcion A. Montoya (MO-7147)

Attorneys for Defendant LTD Financial
Services, LP
780 Third Avenue, 4th Floor
New York, NY 10017
(212) 471-6200

SO ORDERED:


Shira A. Scheindlin, U.S.D.J.

11/14/07